

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANDREA TANTAROS,

Plaintiff,

-- against --

Case No. 17-cv-2958

FOX NEWS NETWORK, LLC, WILLIAM
SHINE, IRENA BRIGANTI, PETER A.
SNYDER, DISRUPTOR, INC., and JOHN
DOES 1-50,

**DECLARATION OF
JUDD BURSTEIN**

Defendants.

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JUDD BURSTEIN hereby declares under penalty of perjury:

1. I am a Principal of Judd Burstein, P.C., attorneys for Plaintiff Andrea Tantaros.
2. I submit this Declaration in opposition to the motion to dismiss, or in the alternative, compel arbitration, filed by Defendants Peter A. Snyder and Disruptor, Inc. (“Disruptor”) (collectively, the “Snyder Defendants”).
3. The purpose of this Declaration is (a) to provide a foundation for documentary evidence supporting certain factual assertions in the accompanying Memorandum of Law (“MOL”) filed in opposition to the Snyder Defendants’ motion, and (b) to provide more detailed factual answers to claims made in the Snyder Defendants’ motion.

A. DOCUMENTS TO BE INCLUDED ON THE RECORD IN THIS MOTION

4. Annexed hereto as Exhibit 1 is a true and accurate copy of a May 26, 2004 letter from Judge Denny Chin, then a District Court Judge in the Southern District of New York, addressed to me.
5. Annexed hereto as Exhibit 2 is a true and accurate copy of my June 28, 2017 Declaration, with Exhibits, in opposition to Defendants Fox News Network, LLC (“Fox News”),

William Shine (“Shine”), and Irena Briganti’s (“Briganti”, and together with Fox News and Shine, the “Fox News Defendants”) Rule 11 motion.

6. Annexed hereto as Exhibit 3 is a true and accurate copy of Ms. Tantaros’s Amended Memorandum of Law in opposition to the Fox News Defendants’ Rule 11 motion.

7. Annexed hereto as Exhibit 4 is a true and accurate copy of an April 18, 2017 Salon.com article entitled “Roger Ailes’ fake news empire: Former Fox News head presided over a panoply of phony ‘sock puppet’ blogs.”

8. Annexed hereto as Exhibit 5 is a true and accurate copy of a May 14, 2017 Politico.com article entitled “The Widening Blast Radius of the Fox News Scandal”.

B. ADDITIONAL FACTS SUPPORTING THIS OPPOSITION

9. During the course of settlement negotiations with Randy Mastro, Esq., Mr. Mastro informed me that Mr. Snyder is and has been an on-air commentator for Fox News and Fox Business Channel since 2012, and is paid a “stipend” of \$15,000 per month, or \$180,000 per year for this work. My office has compiled a list of Mr. Snyder’s appearances from 2014 through 2016. To the best of my knowledge, this compilation is exhaustive because, as explained in the accompanying Declaration of Evan Solomon, a paralegal employed by my firm, it is based upon (a) a search of Snyder’s name on the www.foxnews.com website, (b) a search of Snyder’s name on the www.foxbusiness.com website, and (c) a search of Snyder’s YouTube page. It shows that Snyder has been compensated extravagantly by Fox News on a per-appearance basis. As explained by Mr. Solomon:

- a. In 2014, Snyder appeared on Fox News 11 times, setting his per-appearance compensation at \$16,363.64;

- b. In 2015, Snyder appeared on Fox News 13 times, setting his per-appearance compensation at \$13,846.15; and
- c. In 2016, Snyder appeared on Fox News 23 times, setting his per-appearance compensation at \$7,826.09.

10. When all totaled over this three year period, upon information and belief based upon this analysis, **Mr. Snyder was paid \$11,489.36 per appearance.**¹ Those sums would be astronomical standing alone. However, perspective is gained by comparing them with the fees reportedly paid to Bo Dietl, another on-air contributor for Fox News, and one who is far better known than Mr. Snyder. In June of this year, the *New York Times* reported that **Mr. Dietl is paid only \$700 for each appearance.** (See Exhibit 6 hereto, a true and accurate copy of a June 24, 2017 article from The New York Times called “A Self-Proclaimed ‘Tough Cop’ Wants a New Title: Mayor”, at p. 5 of the Exhibit). In other words, **Mr. Snyder’s average appearance fee for the years 2014-2016 is more than 16 times greater than the fee paid to Mr. Dietl.** Based on these exorbitant fees, Plaintiff is entitled to the inference that Fox News was paying Mr. Snyder for something other than his on-air appearances.

11. For completeness purposes, annexed hereto as Exhibit 7 is a true and accurate copy of a June 28, 2017 Declaration of Andrea Tantaros.

I declare under penalty of perjury that the foregoing is true.

Dated: New York, New York
August 10, 2017

JUDD BURSTEIN

¹ It is possible that our search did not uncover **every** appearance by Mr. Snyder on Fox News or the Fox Business Channel, but any missing appearances could not possibly reduce the per-appearance compensation significantly.